

ADOPTION

FINAL ADOPTION HEARING

Source: [A.R.S. §8-115](#); [A.R.S. §8-116](#); [Ariz. R.P. Juv. Ct. 416 84](#); [25 U.S.C. §1913](#) (consent to adopt or voluntary adoptions); and [25 U.S.C. §1915](#) (placement of Indian Children).

CALL THE CASE:

1. Identify case number, case name, and the nature of the hearing. (Use caution when identifying the parties to a closed adoption.)
2. Identify those who are present.

RECEIVE EVIDENCE:

1. Swear in adoptive parents, adoption examiner or caseworker, and child (12 or older).
2. Take testimony from adoptive parents.
3. If a child is 12 or older, determine whether child consents to the adoption.
4. Take recommendation from adoption examiner or caseworker.
5. Receive, as applicable, social study pursuant to [A.R.S. § 8-112](#); consent pursuant to [A.R.S. § 8-106](#); accounting pursuant to [A.R.S. § 8-114](#); fingerprint clearance (DPS; CPS and FBI); evidence of termination of parental rights; birth certificate and certification for adoption.
6. Review any post-placement agreements.

FINDINGS AND ORDERS:

THE COURT FINDS that it has jurisdiction and that all requirements of Title 8 of the Arizona Revised Statutes have been met.

THE COURT FURTHER FINDS that the child was born on _____ at _____.

THE COURT FURTHER FINDS that the child is free for adoption as the natural parent's/parents' rights have been terminated or the natural parent/parents have consented to the adoption.

THE COURT FURTHER FINDS that the Indian Child Welfare Act ("ICWA") [applies/does not apply].

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[WHEN ICWA APPLIES AND PURSUANT TO 25 U.S.C. § 1951 and Ariz. R.P. Juv. Ct. 416 (e)(2):]

THE COURT FURTHER FINDS BY CLEAR AND CONVINCING EVIDENCE that:

1. The tribe was notified of the proceedings and the right to intervene;
2. If a parent consented to the adoption, the consent was taken in accordance with ICWA § 1913*;
3. The placement complies with the placement preferences set forth in ICWA § 1915 or good case exists to deviate from the placement preferences provided in ICWA § 1915 and 25 C.F.R. § 23.130 through 23.132; and
4. The parental rights of the parent were terminated in accordance with ICWA § 1912, 25 C.F.R. §§ 23.121 through 23.122 and Rule 351. ~~outlined below.~~

IT IS ORDERED that the clerk provide the Secretary of the Interior a copy of the final adoption decree along with the following information:

1. The name and tribal affiliation of the child
2. The names and address of the biological parents
3. The names and addresses of the adoptive parents
4. Contact information for DCS or any agency having files or information relating to the adoptive placement.]

THE COURT FURTHER FINDS that the petitioner(s) is/are a fit and proper person(s) to adopt this child.

THE COURT FURTHER FINDS that adoption is in the best interest of the child.

[CHILD 12 OR OLDER: THE COURT FURTHER FINDS that the child is willing to be adopted by petitioner(s).]

FOR THESE REASONS,

[WHERE APPLICABLE: IT IS ORDERED approving the Accounting]

[WHERE APPLICABLE: IT IS ORDERED approving the written communication agreement signed by petitioner(s)]

IT IS ORDERED granting the petition for adoption [and the change of name].

[FOR NAME CHANGES: IT IS FURTHER ORDERED that henceforth the child shall bear the name of _____ (spelled _ _ _ _ _)]

Henceforth the petitioner(s) and the child shall bear toward each other the relationship of parent and child.

[FOR CASES INVOLVING A DEPENDENCY PENDING IN THE SAME COURT: IT IS FURTHER ORDERED, as to this child only, dismissing dependency action _____ [, relieving counsel of all further obligations, terminating the responsibilities of the Foster Care Review Board and vacating any remaining hearings]Congratulations! Yes, you may take some photos.

The court shall provide the adoptive parent or parents with written notice of the sibling information exchange program established pursuant to [A.R.S. § 8-543](#).

*NOTE: In cases where the Indian Child Welfare Act applies, where the adoption is based on consent, there must be clear and convincing evidence that the following consequences were explained to the parent in his/her language and that he/she understood the same pursuant to ICWA § 1913 (a), (c), & (d):

1. Consent may be withdrawn at any time prior to the entry of the adoption decree.
2. The adoption may be set aside only upon proof of fraud or duress.
3. Adoption terminates the parent/child relationship, including all rights of inheritance.